

465

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. GUNTHER, PHEFFER, SPANO -- Multi-Sponsored by --  
M. of A. BOYLE, MAGEE, MAYERSOHN, MOLINARO, PERRY, N. RIVERA,  
P. RIVERA, ROBINSON, WEISENBERG, WRIGHT -- read once and referred to  
the Committee on Education

AN ACT to amend the education law, in relation to the parent's right to  
know of allegations of inappropriate conduct by a school district  
employee, volunteer or administrator

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The education law is amended by adding a new article 23-C  
2     to read as follows:

3                                 ARTICLE 23-C

4                                 PARENT'S RIGHT TO KNOW ACT

5     SECTION 1134. SHORT TITLE.

6                 1135. DEFINITIONS.

7                 1136. PARENT'S RIGHT TO KNOW.

8     S 1134. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS  
9     THE "PARENT'S RIGHT TO KNOW ACT".

10    S 1135. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE THE FOLLOWING  
11    TERMS SHALL HAVE THE FOLLOWING MEANINGS:

12    1. "EMPLOYEE" SHALL MEAN A SCHOOL BOARD MEMBER ACTING IN HIS OR HER  
13    CAPACITY AS A SCHOOL BOARD MEMBER, AS WELL AS ANY PERSON RECEIVING  
14    COMPENSATION FROM A SCHOOL DISTRICT OR EMPLOYEE OF A CONTRACTED SERVICE  
15    PROVIDER OR WORKER PLACED WITHIN THE SCHOOL UNDER A PUBLIC ASSISTANCE  
16    EMPLOYMENT PROGRAM, PURSUANT TO TITLE NINE-B OF ARTICLE FIVE OF THE  
17    SOCIAL SERVICES LAW, AND CONSISTENT WITH THE PROVISIONS OF SUCH TITLE  
18    FOR THE PROVISION OF SERVICES TO SUCH DISTRICT, ITS STUDENTS OR EMPLOY-  
19    EES, DIRECTLY OR THROUGH CONTRACT, WHEREBY SUCH SERVICES PERFORMED BY  
20    SUCH PERSON INVOLVE DIRECT STUDENT CONTACT.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 2. "VOLUNTEER" SHALL MEAN ANY PERSON, OTHER THAN AN EMPLOYEE, WHO  
2 PROVIDES SERVICES TO A SCHOOL OR SCHOOL DISTRICT, WHICH INVOLVE DIRECT  
3 STUDENT CONTACT.

4 3. "ADMINISTRATOR" OR "SCHOOL ADMINISTRATOR" SHALL MEAN A PRINCIPAL,  
5 ASSISTANT PRINCIPAL, SUPERINTENDENT OR ASSISTANT SUPERINTENDENT OF A  
6 PUBLIC SCHOOL, CHARTER SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL  
7 SERVICES, OR OTHER CHIEF SCHOOL OFFICER.

8 S 1136. PARENT'S RIGHT TO KNOW. EVERY PUBLIC SCHOOL DISTRICT, OR ANY  
9 OTHER SCHOOL WHICH PRIMARILY SERVES PERSONS UNDER THE AGE OF EIGHTEEN  
10 AND WHICH IS REGISTERED WITH THE DEPARTMENT SHALL, WITHIN SIXTY DAYS OF  
11 THE ENACTMENT OF THIS SECTION, ADOPT A POLICY WHICH SHALL PROVIDE FOR  
12 NOTIFICATION AS SOON AS REASONABLY PRACTICABLE TO A PARENT OR LEGAL  
13 GUARDIAN OF AN AFFECTED STUDENT OR STUDENTS OF INAPPROPRIATE CONDUCT BY  
14 AN EMPLOYEE, VOLUNTEER OR ADMINISTRATOR OF A SCHOOL DISTRICT WITH  
15 RESPECT TO A PARTICULAR STUDENT OR STUDENTS IN THE EVENT THAT THE SUPER-  
16 INTENDENT OF SCHOOLS, THE SCHOOL BOARD, OR ANY MEMBER OF THE SCHOOL  
17 BOARD ACTING WITH THE AUTHORIZATION OF SUCH BOARD, SUCH AUTHORIZATION TO  
18 HAVE BEEN PROVIDED DURING AN EXECUTIVE SESSION, PROVIDES A WRITTEN  
19 CENSURE, REPRIMAND, OR OTHERWISE IN WRITING ADVISES AN EMPLOYEE, VOLUN-  
20 TEER, OR AN ADMINISTRATOR OF THE SCHOOL DISTRICT OF SUCH PERSON'S INAP-  
21 PROPRIATE CONDUCT WITH RESPECT TO A PARTICULAR STUDENT OR STUDENTS.

22 S 2. This act shall take effect immediately; provided, however, that  
23 this act shall not impair any provision of a collective bargaining  
24 agreement in effect prior to the effective date of this act which is  
25 contradictory to the provisions of this act. Any such provisions shall  
26 expire no later than on such agreements existing expiration date.